IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.7610 of 2005

Dated: March 26, 2007

Between:

Ms. P. Sai Sudha, D/o. P. Kasi Visweswar Rao,
R/o. Quarter No.B2, Judges Quarters, Balaji
Cheruvu Center, Kakinada, East Godavari District.

... Petitioner

And

Govt. of Andhra Pradesh, rep. by its Commissioner and
Director of College Education, Hyderabad, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of respondents in not releasing scholarship amount to the petitioner under the scheme called 'Pratibha', as arbitrary and illegal.

2. During the year 1999, to promote quality and excellence in education and also to enable students to meet the cost of higher

education, Government had introduced 'Prathibha' scheme.
Under the said scheme, financial aid is provided to the students who excel in public examinations/entrance tests from Class VII onwards. They are awarded a merit certificate, a memento and scholarship to meet the cost of their higher education.

3. Petitioner herein appeared for Common Entrance Test for Law course (LAWCET) for the academic year 2004-05 and secured 7th rank. She was admitted in the second respondent college and was studying Law course. At that time, she was given an application to fill in the particulars, for award of 'Pratibha' scholarship, which was filled in and submitted by her to the respondents. Thereafter, she was asked to attend the function to receive the 'Pratibha' award and medal.

4. The case of the petitioner is that she attended the said function wherein she was given a merit certificate and a medal for securing 7th rank in LAWCET. Though she was also expecting the scholarship amount from the respondents, she received letter dated 31-08-2004 from the first respondent requesting her to furnish income certificate of her father for the years 2003 and 2004 for sanction of scholarship.

5. The grievance of the petitioner is that though Pratibha Scheme was introduced by the Government with no restraint on the income criteria of the students' parents, however, when she applied for grant of scholarship amount, the same was not being released on the ground that she has not produced the certificate to show that the annual income of her father was below Rs.1,00,000/-

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6. Learned counsel for the petitioner submits that as much as the petitioner was selected for issuance of Pratibha Award for the academic year 2004-05, during which time there was no restraint on the income criteria of the students' parents, there is no reason at all in not releasing the scholarship amount to the petitioner.

7. Respondents have filed counter affidavit stating that, initially, the Government has issued G.O.Ms.No.207 Higher Education (EC.1) Department dated 28-06-1999 sanctioning Pratibha Awards Scheme during 1999-2000 to promote quality and excellence in education. It is stated that under the said scheme, students who excel in public examinations and entrance tests from class VII onwards will be awarded a merit certificate, a memento and scholarship to meet the cost of their higher education. It is further submitted that the said scheme introduced in G.O.Ms.No.207 was amended by G.O.Ms.No.12, Higher Education (CE.1) Department dated 01-02-2005 giving effect to it from the academic year 2004-05. As per the said G.O., though a student is categorized as meritorious student and is entitled to receive the certificate, however, such student is entitled for scholarship only if the income of his/her parents does not exceed Rs.1,00,000/- per annum. It is further stated that in case the parent of the student is salaried, the annual income of the parent should be less than Rs.1,00,000/- and the parent should be a non-taxpayer.

8. A reading of G.O.Ms.No.207 Higher Education (EC.1) Department dated 28-06-1999 indicates that the scheme referred

above is intended to identify students who excel in public examinations, entrance tests and award a certificate and a memento. So far as scholarship is concerned, it is stated that it is intended only to meet the cost of higher education of meritorious students. The said scheme was initially brought into existence in 1999-2000; however, the same was amended by G.O.Ms.No.12 Higher Education (CE.1) Department dated 01-02-2005 incorporating clause (iv) to Paragraph-4 after clause (iii). The incorporated portion reads as follows:

> " The candidates selected for Pratibha awards from the academic year 2004-05 onwards shall be eligible for the sanction of scholarships only if their parents annual income from all sources including income fron non-taxable income like agriculture etc., does not exceed Rs.1.00 lakh per annum. In case of salaried parents, their annual income should be less than Rs.1.00 lakh per annum and they should also be non-taxpayers. The candidates seeking pratibha scholarships they have to submit latest annual income certificate of their parents issued by MRO concerned in case they are non-salaied and a copy of form 16 in case of salaries parents issued by employer concerned.

9. Though it is the case of the petitioner that there is no restriction regarding the income of parents when she appeared for the entrance examination, however, it is to be noted that during the same academic year, G.O.Ms.No.207 dated 28-06-1999 was amended by G.O.Ms.No.12 dated 01-02-2005. The said G.O. was given effect for the same academic year, i.e. 2004-05. In the said G.O., it is made clear that the amendment is effective from the academic year 2004-05. As the petitioner was selected as a meritorious candidate as per the scheme for the same academic year, the income criteria that is notified vide G.O.Ms.No.12 dated

01-02-2005 is applicable to her. It is to be seen that the petitioner has not questioned the validity of the said G.O., namely, G.O.Ms.No.12 dated 01-02-2005. In a scheme of such nature, which is primarily intended to grant scholarship to meritorious students to meet the cost of higher education, it is always open for the Government to prescribe parameters with respect to income of the parents of awardees, so as to extend the scheme only to the needy students who cannot afford higher education due to monetary restraints.

As much as the petitioner has already been identified as a meritorious candidate and was awarded a merit certificate and a memento, she cannot contend that she should also be extended scholarship irrespective of the financial capability of her parents. Therefore, in view of the amendment referred above, unless the petitioner fits into the parameters laid down in the said G.O., with respect to income limits of the parents, for grant of scholarship, she is not entitled for any directions as prayed for.

10. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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JUSTICE R. SUBHASH REDDY.

March 26, 2007
MRR